

**REMARKS**

**I. Status of the Claims**

After entering the amendments herein, claims 1-16, 18, and 22-25 will be pending. Claim 22 has been amended herein to remove the follow pathological conditions or diseases: asthma, bronchoconstriction, allergic diseases, inflammation, cell proliferation disorders, and autoimmune diseases. New claims 24-25 have been added, which are directed to the canceled pathological conditions or diseases from claim 22 of asthma and bronchoconstriction, respectively. Support for the claims can be found in the specification and claims as originally-filed.

**II. Allowable Subject Matter**

Applicants acknowledge the Office's indication that claims 1-16, 18, and 23 are free of prior art and are allowed. Final Office Action, page 17.

**III. Rejection under 35 U.S.C. § 112**

The Office maintains the rejection of claim 22 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled. Final Office Action, page 2. The Office states that "[t]his rejection is the same as made in the previous office action but now excludes cancelled claim 21 and is limited to generic diseases cited above." *Id.*, page 10. The Office alleges that "[m]ore specifically, in the instant case,...it is claimed that treating any or all allergic diseases, inflammation, cell proliferation disorders, and autoimmune diseases in general for which there is no enabling disclosure." *Id.*

Applicants note that the Office included hypertension in the list of allegedly non-

enabled diseases on page 2 of the instant Office Action. However, Applicants believe that this was an oversight because hypertension is also included in the list of enabled diseases, also on page 2 of the instant Office Action, and it was unambiguously considered enabled in the previous Office Action of October 6, 2008, at page 2. Applicants respectfully disagree for the reasons on record.

Nonetheless, solely to expedite prosecution, Applicants have amended claim 22 herein to delete the pathological conditions or diseases of "allergic diseases, inflammation, cell proliferation disorders, and autoimmune diseases" to which the Office objects. Accordingly, Applicants respectfully request withdrawal of the rejection.

#### **IV. Conclusion**

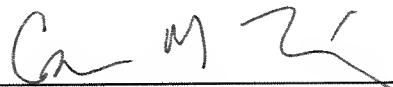
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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